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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/857,043

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Takayuki Doki

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

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SUITE 370

ALEXANDRIA, VA 22314

EXAMINER

WEST, THOMAS C

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/857,043	<b>Applicant(s)</b> DOKI, TAKAYUKI	
	<b>Examiner</b> THOMAS WEST	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 49-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is in reply to the Election/Restriction filed February 28, 2008.
2. Claims 49-68 are currently pending. Claims 49-59 have been examined.

### ***Election/Restrictions***

3. Applicant's election, with traverse, of Invention III claims 50-59, in response to the Election/Restriction requirement filed January 28, 2008 is acknowledged. Applicant timely traversed the restriction (election) requirement in the reply filed on February 28, 2008. The traversal is on the grounds that claims 49 and 52 should be in the same class. The argument was found persuasive because these claims are drawn to a settlement terminal device in a retail setting. However, the claims have been reclassified as inventions I and II (see below). Since, the elected claims 50-59 (formerly invention III) are part of invention II, these claims have been examined. Thus, the restriction requirement is made FINAL.

Claims 60-68 are therefore withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Invention, there being no allowable generic or linking claims.

- I. Claims 60-68, drawn to a settlement system, classified in class 235, subclass 379.

- II. Claims 49-59, drawn to internet shopping method, classified in class 705, subclass 26.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 49-59 are rejected under U.S.C. 102(e) as being unpatentable over Sehr, US Patent No. 6,999,936.

**Claims:**

49 and 52:. (Previously Presented) a media having at least one ID number recorded thereon (col. 34, lines 34-46 printed electronic receipt, col. 17, lines 3-15 visitor ID); a settlement terminal device located at a retail location and configured to read the ID number recorded on the media at the time of settlement, to cause the input of balance information equivalent to the amount of money paid by the user in association with the ID number, and to transmit said ID number in association with said balance information

Art Unit: 3621

to a settlement authentication device via a public network (col. 12, lines 19-27 POS PIN, column 18, lines 62-67, column 19, lines 1-7 balance, col. 28, lines 40-46 settlement authentication);

said settlement authentication device being configured to store said balance information in association with said ID number received from said settlement terminal device (column 19, lines 24-33 authentication, id, balance);

a terminal device used by the user to for accessing said plurality of services by sending requests to a plurality of service provision devices over the public network (col. 27, lines 8-14 plurality of services, col. 28, lines 1-8 requests);

each said service provision device of said plurality of service provision devices providing a service different from other said service provision devices, and being configured to send a query over the public network to said settlement authentication device to determine whether to provide a particular service in response to a request from the user at the terminal device (col. 36, lines 5-13 provision devices, col. 28, lines 1-8, col. 28, lines 40-42 query, col. 28, lines 5-8 authenticate);

and said settlement authentication device further being configured to receive each said query and determine whether the particular service corresponding to the query can be provided to the user by referring to said ID number, the balance information, and a service amount (col.16, lines 55-67 approved/denied)

wherein, when the settlement authentication device determines that the particular service can be provided, the settlement authentication device sends a response to the service provision device that sent the query to permit provision of the particular service

Art Unit: 3621

to said information terminal device, and subtracts from the balance information an amount of money corresponding to the service amount (col. 16, lines 55-67 approved/denied, balance)

51 and 53. (Previously Presented) The system according to claim 52, wherein the at least one ID number on said media includes a plurality of sub- ID numbers, each sub-ID number corresponding to a different service of said plurality of services provided by a different service provision device of said plurality of service provision devices (col. 17, lines 3-27 ID, col. 27, lines 36-41 service codes).

54. (New) The system according to claim 52, wherein, when determining whether the particular service can be provided, if the at least one ID number has not been validated, or the service amount of the particular service is greater than the current balance, said settlement authentication device prohibits the provision of the particular service (col. 16, lines 55-67 balance, approve/deny).

55. (New) The system according to claim 52, wherein said settlement authentication device is configured to store user- specific information identifying the user associated with said ID number, (col. 17, lines 3-27 settlement authentication device) wherein, when a new ID number is issued, the user-specific information associated with the new ID number is referenced, a determination is made as to whether there exists an ID number already registered for the same user, and when there exists an ID number

Art Unit: 3621

already registered, the new ID number is associated with the already-registered ID number and stored, and the new ID number is validated, (col. 9, lines 10-25 new card, col. 7, lines 49-67 validation codes)

and, wherein, when the settlement authentication device determines whether said particular service can be provided, if the service amount of the service to be provided is larger than the sum of the balance associated with the already-registered ID number and a balance associated with the new ID number, provision of the service is prohibited (col. 11, lines 55-67 settlement, col. 12, lines 1-12 decline).

56. (New) The system according to claim 52, wherein said media is supplied in the form of a plurality of separable sheets, each bearing different said ID numbers (col. 34, lines 44-45 electronic receipt(s), quantity of merchandise ordered (plurality)).

57. (New) The system according to claim 52, wherein said media is supplied in the form of an online slip displayed to the user on the information terminal device and printed by the user for presentation at the settlement terminal device (col. 34, lines 44-67 electronic receipt, touch-screen, printout).

50 and 58. (New) The system according to claim 52, wherein, when determining whether said particular service can be provided, if the current balance is less than the service amount of the particular service to be provided by a predetermined amount of money, said settlement authentication device causes the transmission of warning

Art Unit: 3621

information to said information terminal device (col. 19, lines 7-10 remaining balance col. 23, lines 43-44 warning).

59. (New) The system according to claim 52, wherein said media is a slip on which are recorded said ID number and other information, and which specifies the amount of money to be paid by the user, and wherein the settlement terminal device can input the ID number recorded on the slip and other information, and can transmit the input ID number and other information, and the fact that the user has paid said amount of money (col. 34, lines 44-67 electronic receipt, required payment amount, visitor card (ID))



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas West whose telephone number is 571-270-1236. The examiner can normally be reached on M-R 7:30am - 5pm EST, ALT Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas West  
Patent Examiner  
Art Unit 3621  
June 6, 2008

/Jalatee Worjloh/  
Primary Examiner, Art Unit 3621